

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Michael Scott,

Case No. 5:10 CV 577

Petitioner,

MEMORANDUM OPINION  
AND ORDER

-vs-

Deb Timmerman-Cooper, Warden,

JUDGE JACK ZOUHARY

Respondent.

This Court has reviewed the Report and Recommendation (“R&R”) of the Magistrate Judge filed February 21, 2012 (Doc. No. 9). The R&R recommends this Court deny the Petition because its claims are not cognizable in a federal habeas proceeding and are also procedurally barred (Doc. No. 9 at 6–9). Under the relevant statute, 28 U.S.C. § 636(b)(1):

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

The failure to file objections within the time frame set forth in the statute constitutes a waiver of a *de novo* review by the district court. *United States v. Sullivan*, 431 F.3d 976, 984 (2005).

Petitioner Michael Scott’s deadline for filing objections to the R&R was March 6, 2012. It is now March 9, 2012 and Petitioner has yet to file objections. The R&R accurately states the facts and law, and this Court adopts it in its entirety.

For the forgoing reasons, the Petition is denied and this action is dismissed pursuant to 28 U.S.C. § 2243. Further, under Section 1915(a)(3), this Court certifies an appeal could not be taken in good faith, and there is no basis on which to issue a certificate of appealability because Petitioner has not made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253.

IT IS SO ORDERED.

s/ Jack Zouhary  
JACK ZOUHARY  
U. S. DISTRICT JUDGE

March 9, 2012